

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL RAILROAD PASSENGER CORP.,

X

Case No. 07 CV 6288

Plaintiff,

-against-

T.C. JOHNSON COMPANY, TRANSPORTATION
RESOURCES INC., MITCHELL EQUIPMENT
CORPORATION, TEREX CORPORATION, KOEHRING
CRANES, INC. d/b/a TEREX CRANES WAVERLY, and
TEREX CRANES, INC.,

Defendants.

**DEFENDANT MITCHELL
EQUIPMENT
CORPORATION's ANSWER
TO CROSS-CLAIM
OF TEREX CORPORATION,
KOEHRING CRANES, INC.
D/B/A TEREX CRANES
WAVERLY AND TEREX
CRANES, INC.**

X

Defendant, MITCHELL EQUIPMENT CORPORATION, by and through its attorneys Wilson, Elser, Moskowitz, Edelman & Dicker LLP, as and for its Answer to the Cross Claim, alleges upon information and belief as follows:

1. MITCHELL EQUIPMENT CORPORATION denies each and every allegation contained in the cross claim of TEREX CORPORATION, KOEHRING CRANES, INC. D/B/A TEREX CRANES WAVERLY AND TEREX CRANES, INC alleged as against MITCHELL EQUIPMENT CORP. and respectfully refers all questions of law to this Honorable Court.

WHEREFORE, the defendant, MITCHELL EQUIPMENT CORPORATION, demands judgment dismissing the cross claim of TEREX CORPORATION, KOEHRING CRANES, INC. D/B/A TEREX CRANES WAVERLY AND TEREX CRANES, INC together with attorneys' fees, costs and disbursements of this action.

Dated: New York, New York
September 4, 2007

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: Margaret M. Murphy
Margaret M. Murphy (MM7529)
Attorneys for Defendant
MITCHELL EQUIPMENT
CORPORATION
150 East 42nd Street
New York, New York 10017-5639
(212) 490-3000
File No. 06294.00238

TO:

LANDMAN CORSI BALLAINE & FORD P.C.
120 Broadway, 27th Floor
New York, NY 10271-0079

SEDGWICK, DETERT, MORAN & ARNOLD, LLP
125 Broad Street
New York, NY 10271

GALLAGHER, WALKER, BIANCO & PLASTARAS, ESQ.
98 Willis Avenue
Mineola, New York 11501

AFFIDAVIT OF SERVICE

**STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)**

Selina Hughes, being duly sworn, deposes, and says: that deponent is not a party to the action, is over 18 years of age and resides in New York County.

That on the 4th day of September, 2007 deponent served the within **DEFENDANT MITCHELL EQUIPMENT CORPORATION's ANSWER TO CROSS-CLAIM OF TEREX CORPORATION, KOEHRING CRANES, INC. D/B/A TEREX CRANES WAVERLY AND TEREX CRANES, INC.** upon:

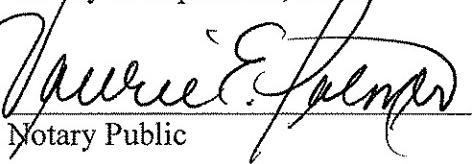
LANDMAN CORSI BALLAINE & FORD P.C.
120 Broadway, 27th Floor
New York, NY 10271-0079

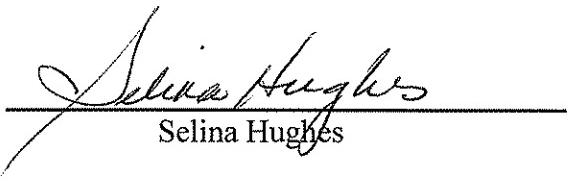
SEDGWICK, DETERT, MORAN & ARNOLD, LLP
125 Broad Street
New York, NY 10271

GALLAGHER, WALKER, BIANCO & PLASTARAS, ESQ.
98 Willis Avenue
Mineola, New York 11501
Attention: Robert J. Walker, Esq.

at the addresses designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.

Sworn to before me this
4th day of September, 2007


Notary Public


Selina Hughes

VALERIE E. PALMER
Notary Public, State of New York
No. 01PA5050729
Qualified in Bronx County
Commission Expires Oct. 16, 2009